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MAY 21 2003

PETITIONS OFFICE

CERTIFICATE OF FACSIMILE
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PTO NO. 1-703-308-6916

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Attorney Docket No.: 990667/RSB
**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicants : Ludwig WILDT et al.

Serial No. : 09/403,940

Filed : January 12, 2000

For : DEVICE FOR DETERMINING
FLUCTUATIONS IN END
EXPIRATORY GASES, METHOD
FOR DETERMINING FLUCTUATIONS
IN RESPIRATORY METABOLISM AND
THE USE OF SAID DEVICE

Art Unit : 1743

Examiner : GAKH

PROOF OF ATTORNEY OF RECORD

TOTAL PAGES: 4
I hereby certify that this
paper is being facsimile
transmitted to the
Commissioner for Patents.
P.O. Box 1450
Alexandria, VA 22313-1450
on the date noted below.

Attorney: Richard S. Barth

Dated: May 21, 2003

In the event that this Paper
is late filed, and the
necessary petition for
extension of time is not filed
concurrently herewith, please
consider this as a Petition
for the requisite extension of
time, and to the extent not
tendered by check attached
hereto, authorization to
charge the extension fee,
or any other fee required
in connection with this
Paper, to Account No. 06-1378.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Mr. Shanoski
Office of Petitions

S I R :

During a telephone discussion on May 20, 2003 between
Mr. Shanoski of the Office of Petitions and the undersigned,
Mr. Shanoski said that the undersigned was not an attorney of
record in this application.

Transmitted herewith is a copy of the POST-FILED DECLARATION
AND POWER OF ATTORNEY, filed on January 12, 2000, (copy of
postcard receipt is attached) showing that the undersigned is an
attorney of record.

The undersigned requests that Mr. Shanoski call the undersigned at 212-319-4900 to discuss this application.

Respectfully submitted,



RICHARD S. BARTH
REG. NO. 28,180

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FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.
767 THIRD AVENUE - 25TH FLOOR
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E-Mail Address: BARTH@FHGC-LAW.COM
RSB/ddf

- Encs.: (1) copy of POST-FILED PCT DECLARATION
AND POWER OF ATTORNEY filed on
January 12, 2000
- (2) Postcard receipt therefor with PTO
date stamp thereon

APPLICATION FOR UNITED STATES LETTERS PATENT
POST-FILED PCT Declaration and Power of Attorney (35 U.S.C. 371(c)(4))
PCT Application - United States Designated Office

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GROUP 1

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
DEVICE FOR DETERMINING FLUCTUATIONS IN END EXPIRATORY GASES, METHOD FOR DETERMINING FLUCTUATIONS IN RESPIRATORY METABOLISM AND THE USE OF SAID DEVICE
described and claimed in serial number 09/403,940 deposited October 29, 1999, which is the national phase application of international application number PCT/DE98/01172, filed April 28, 1998.

I have reviewed and understand the contents of said specification, including claims.
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.


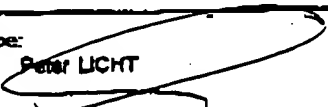

I claim priority benefits under 35 USC §119 of: (i) any foreign application(s) for patent or inventor's certificate listed below; or (ii) any United States provisional application(s) listed below; and have also identified below any foreign application(s) for patent or inventor's certificate, or PCT international application having a filing date before that of the application(s) on which priority is claimed.

COUNTRY	APPLICATION NUMBER	DATE (day, month, year)	PRIORITY CLAIMED
Germany	297 07 771.6	28, April, 1997	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I appoint the following attorneys to prosecute this application and to transact all business in the U.S. Patent & Trademark Office connected therewith: Leonard Holtz, Reg. No. 22,974; Herbert Goodman, Reg. No. 17,081; Thomas Langer, Reg. No. 27,264; Marshall J. Chick, Reg. No. 26,853; Richard S. Barth, Reg. No. 28,180; Douglas Holtz, Reg. No. 33,902; and Robert P. Michal, Reg. No. 35,614.

CORRESPONDENCE AND CALLS TO: FRISHAUF, HOLTZ, GOODMAN, LANGER & CHICK, P.C.
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New York, New York 10017-2023 Fax.: (212) 319-5101

INVENTOR: SIGNATURE	DATE	RESIDENCE AND POST OFFICE ADDRESS
Sign: 	Date: 25/11/1999	Residence: (City & Country) Herzogenaurach, Germany
Type: Ludwig WILDT	Citizen of: Germany Herzogenaurach	Post Office Address: Haundorfer Str. 2b D-91074 Herzogenaurach GERMANY
Sign: 	Date: 25/11/1999	Residence: (City & Country) Bubenreuth, Germany
Type: Peter LICHT	Citizen of: Germany Bubenreuth	Post Office Address: Domptierstr. 25 2. D-91088 Bubenreuth GERMANY
Sign: 	Date: 20-12-99	Residence: (City & Country) Oberursel, Germany
Type: Matthias MICHEL	Citizen of: Germany Oberursel	Post Office Address: K.-H.-Flach-Str. 32 D-61440 Oberursel GERMANY

RECEIPT ACKNOWLEDGED;

990667/RSB - Ludwig WILDT et al.
SN 09/403,940

TRANSMITTAL LETTER, Executed Post-filed PCT
DECLARATION AND POWER OF ATTORNEY; Originally
executed STATEMENT CLAIMING SMALL ENTITY (a copy of
which was mailed on December 27, 1999);
CHECK FOR \$65 (Small Entity Fee for post-filing
Decl.), Ck. #77704

FCM/CERT. OF MAILING: JANUARY 10, 2000

RSB/ddf

418 Rec'd PCT/PTO 12 JAN 2000